



IAP04Rec'd PCT 20 OCT 2008
PATENT
2713-1-045PCT/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark Edward Brennan Smith, *et al.* Examiner: Unknown
Serial No.: 10/585,373 Group Unit: Unknown
Filed: July 6, 2006
For: MODIFIED MOLECULAR ARRAYS

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope with sufficient postage addressed to the COMMISSIONER OF PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450 on October 16, 2008.

Sue Yun Lee
(Name of Depositor)

[Signature] 10/16/08
(Signature and Date)

PETITION PURSUANT TO 37 C.F.R. §1.47(a)

MAIL STOP PETITION
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Dear Sir:

This petition is filed pursuant to the provisions of 37 C.F.R. §1.47(a) which provide that one or more inventors may make application for patent in situations where a joint inventor cannot be found or reached after diligent effort. In relevant part, the provisions state that the oath or declaration may be signed by one or more inventors if accompanied by the instant petition setting forth proof of the pertinent facts together with the fee set forth in 37 C.F.R. §1.17(h) and the last known address of the non-signing inventor.

Applicants submit herewith a combined Declaration and Power of Attorney signed by inventors Mark Edward Brennan SMITH, Andrea SABOT, Isabelle Julia RASALONJATOVO, Adrian Martin HORGAN, and Harold Philip SWERDLOW, but lacking the signature of inventor Jean-Ernest SOHNA SOHNA. Likewise, Applicants submit herewith a copy of an Assignment document conveying ownership of the invention to Solexa Limited of Chesterford Research Park, Little Chesterford, Nr. Saffron, Walden, Essex

CB10 1XL, Great Britain, such Assignment signed in multiple originals, by all of the aforementioned inventors except inventor Jean-Ernest SOHNA SOHNA.

Submitted herewith as Exhibit I is a copy of a letter sent via first class mail dated October 23, 2007 from the assignees' domestic representative, Nicola Baker-Munton CPA EPA, of Stratagem IPM Ltd, of Cambridge, UK, to the non-signing inventor Jean-Ernest SOHNA SOHNA. The letter explicitly requests signature of the enclosed documents comprising the Declaration and Power of Attorney for the present application, and a corresponding Assignment of rights.

Submitted herewith as Exhibit II is a letter dated November 19, 2007 from inventor Jean-Ernest SOHNA SOHNA, confirming receipt of the letter dated October 23, 2007, and indicating inventor SOHNA SOHNA's unwillingness to sign the forwarded documents.

Submitted herewith as Exhibit III is a Declaration by Nicola Baker-Munton, the domestic representative of the assignee, attesting to her review and determination of inventorship, and her conclusion that all of the inventors named herein were properly so designated.

Applicants believe that the non-signing inventor Jean-Ernest SOHNA SOHNA is properly named as an inventor of the subject matter currently claimed. Applicants acknowledge their duty to reevaluate inventorship and to correct the same should there be any change to the subject matter claimed.

Applicants further submit that they sought the most current mailing address of the non-signing inventor, and diligently corresponded to that address. Accordingly, the last known address of the non-signing inventor, Jean-Ernest SOHNA SOHNA, is

77 Nene Way,
St. Ives,
Cambridgeshire
PE27 3WT
United Kingdom

and it was to that address that the correspondence was sent. In view of the foregoing demonstrating the inventor's receipt of the documents and stated unwillingness to sign the same, and the assignee's and joint inventors' diligent efforts at securing appropriate signature, Applicants request acceptance of the combined Declaration and Power of Attorney and Assignment documents as responsive to the Notification of Missing Requirements Letter mailed on November 15, 2007.

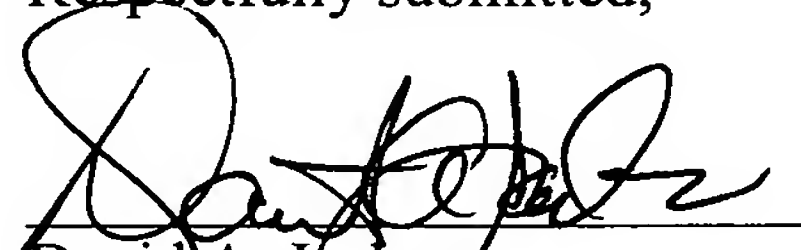
FEES

Applicants submit herewith the petition fee pursuant to 37 C.F.R. §1.17(g). No additional fees are believed necessary in connection with the present submission; however, should this be in error, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment or to credit any overage.

CONCLUSION

Acceptance of the petition is hereby requested, and grant of the petitioned relief is hereby sought.

Respectfully submitted,


David A. Jackson
Registration No. 26,742
Attorney for Applicants

KLAUBER & JACKSON LLC
411 Hackensack Avenue
Hackensack, New Jersey 07601
(201) 487-5800

ENCLOSURES: Exhibits I-III

EXHIBIT I



STRATAGEM

STRATAGEM INTELLECTUAL PROPERTY MANAGEMENT LIMITED

Dr Jean Ernest Sohna Sohna
77 Nene Way
St. Ives
Cambridgeshire
PE27 3WT

Re: Modified Molecular Arrays patent application
Solexa ref. SLP0039 US
Stratagem ref. P1842USW
Application no. 10/585373

23rd October 2007

Dear Dr Sohna Sohna

Please find with this letter the US Declaration, Power of Attorney and Assignment forms relating to Solexa patent family SLP0039. I have also enclosed a copy of the corresponding PCT application for your reference.

Please could you review the documents, sign and date where indicated, and then post back to me using the stamped-addressed envelope provided. (Please only send back the signed forms, not the PCT specification).

We ask for this so that Solexa may complete formalities with the US Patent Office.

Please feel free to contact me if there are any concerns or queries.

Yours sincerely

Nicola Baker-Munton, CPA EPA

nicola.baker-munton@stratagemipm.co.uk

Encl. WO2005/065814 published spec., stamped-addressed envelope, US Assignment and Declaration forms

P1842sol071023 USW

FOSTERS WING . ANSTEY HALL . MARIS LANE . TRUMPINGTON . CAMBRIDGE . CB2 9LG

T +44 (0) 1223 550740 **F** +44 (0) 1223 550748 **E** MAIL@STRATAGEMIPM.CO.UK

REGISTERED IN ENGLAND No 3845486 REGISTERED ADDRESS 22 FRIARS ST, SUDBURY, SUFFOLK CO10 2AA, UK

EXHIBIT II

SENT TO	NBM		
SCANNED REF	P184250/4071/19		
DATE RECEIVED	21 NOV 2007		
DUE DATE			

Dr Jean Ernest S. Sohna
 77 Nene Way
 St Ives
 Cambs PE27 3WT

Ms Nicola Baker-Munton
Stratagem IPM Ltd
 Fosters Wing
 Anstey Hall
 Maris Lane
 Trumpington
 Cambridge CB2 9LG

Re: Modified Molecular Arrays patent application
Solexa ref. SLP0039US
Stratagem ref. P1842USW
Application no. 10/585373

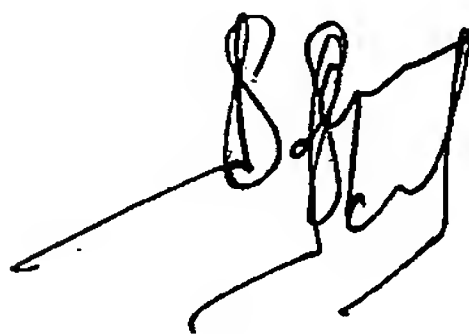
19th November 2007

Dear Ms Baker-Munton,

I acknowledge reception of your letter dated 23 October 2007 requesting my signature on the Power of Attorney and Assignment forms relating to Solexa patent family SLP0039. I have stated repeatedly since 2005 that the inventorship determination on this patent family was flawed because some employees had been named incorrectly as inventors. Consequently I will not sign the forms you sent for the second time.

As you are aware, failure to correct the inventorship, after being warned repeatedly that it was incorrect, will ultimately result in the invalidation of this pivotal patent for Solexa technology now part of Illumina portfolio.

Yours sincerely,



Dr Jean Ernest Sohna Sohna

EXHIBIT III

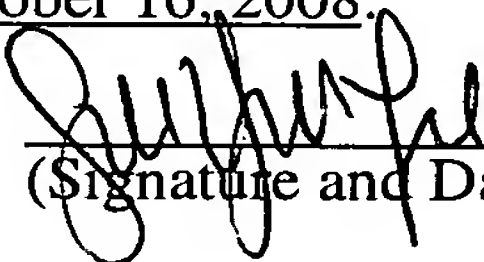
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark Edward Brennan Smith, *et al.* Examiner: Unknown
Serial No.: 10/585,373 Group Unit: Unknown
Filed: July 6, 2006
For: MODIFIED MOLECULAR ARRAYS

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope with sufficient postage addressed to the COMMISSIONER OF PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450 on October 16, 2008.

Sue Yun Lee
(Name of Depositor)

 10/16/08
(Signature and Date)

DECLARATION

MAIL STOP PETITION
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Dear Sir:

NICOLA BAKER-MUNTON hereby declares as follows:

1. She is a Chartered Patent Agent registered to practice before the United Kingdom Patent Office, and a European Patent Attorney, and the founder and Chief Executive Officer of the firm of Stratagem IPM, Ltd., located in Cambridge, England.
2. Stratagem IPM Ltd are outside consultants to Solexa Ltd., and Declarant was the patent attorney in the firm primarily responsible at that time for reviewing the company invention records and determining inventorship as to any patent applications that the company determined to file.
3. Declarant is aware that Solexa Ltd has and maintains an independent Inventorship Assignment Procedure that was created and developed in line with good industry and professional practice to establish the names of every contributing individual and

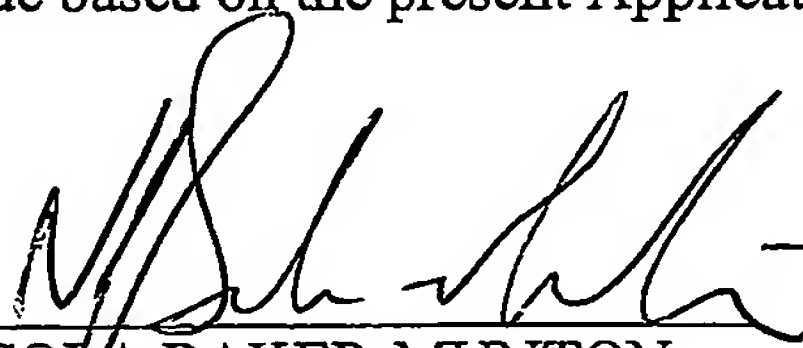
the facts underlying their involvement. As part of that procedure, Declarant served as the independent attorney retained to undertake the process and make a determination based on the facts.

4. The determination of inventorship established by Solexa Ltd is made as follows. The independent attorney forwards a questionnaire consisting of a blank form with guidance notes for its completion, to those individuals within the company at the time and connected with the project in which the invention is identified, to solicit their input including any facts known, and particularly activities engaged in, by or regarding those individuals, including themselves, who were believed to have made inventive contributions. Generally, the questionnaire is provided to project supervisors and line managers, as well as individual scientists. Once the questionnaires are completed and returned, the reviewing attorney will study them and make the determination. If additional information is believed to be necessary or desirable to assist in a determination, the attorney may speak to a particular individual or may request further documents or records for review. In practice, Declarant has found that the system has proved to be robust and exhibits a high level of integrity, so that the information received in the completed questionnaires is usually dispositive of the determination.

5. In the present situation, Declarant followed the procedures outlined above and determined that of all of the individuals listed in the documents accompanying the filing of the present application and the International (PCT) application that is the immediate parent of the present filing, should properly be included and named.

6. Declarant states that all statements made herein of Declarant's own knowledge are true or are believed to be true to the best of her knowledge; and that these statements are being made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the Applicants' rights or the validity of any patent or patents that may issue based on the present Application.

DATE: 9. October 2008


NICOLA BAKER-MUNTON



PATENT
2713-1-045PCT/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Mark Edward Brennan Smith, *et al.*
SERIAL NO. : 10/585,373 EXAMINER : Unknown
FILED : July 6, 2006 ART UNIT : Unknown
FOR : MODIFIED MOLECULAR ARRAYS

PETITION TO REVIVE AN ABANDONED APPLICATION AND RESPONSE TO
NOTIFICATION OF MISSING REQUIREMENTS

MAIL STOP PETITION
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Dear Sir:

It is requested that the above-identified Application be revived under 37 CFR 1.137(b) on the grounds that the Application was unintentionally abandoned for failure to prosecute by not responding to the outstanding Notification of Missing Requirements dated November 15, 2007.

The present Petition is being filed within one year of the date on which the Application became abandoned, that is, the Application became abandoned on June 19, 2008.

An executed Declaration in multiple originals is also enclosed herewith together with a Petition under 37 CFR 1.47(a) and supporting exhibits as to inventor Jean-Ernest Sohna Sohna, and the fee requisite for such Petition, of \$130.00, and it is requested that the listed documents be entered and favorably considered.

The Applicants have qualified for Small Entity status.

10/21/2008 GFREY1

00000113 10585373

03 FC:2453

810.00 OP

10/21/2008 GFREY1

00000113 10585373

02 FC:1464

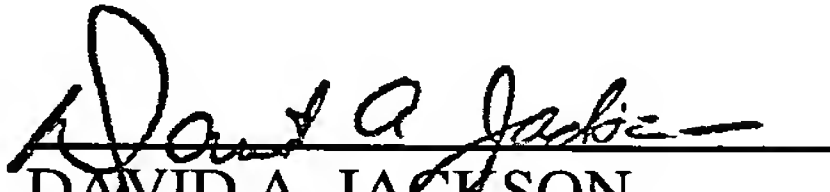
130.00 OP

The present Petition is also accompanied by a check in the amount of \$1,005.00 to cover the Petition Fee of \$810.00 under 37 CFR 1.17(m), the Petition Fee of \$130.00 under 37 CFR 1.17(h) and the late filing surcharge of \$65.00.

The Commissioner is further authorized to charge any deficiencies associated with this Petition or credit any overpayment to Deposit Account No. 11-1153. A duplicate copy of this Petition is enclosed for such purpose.

Accordingly, it is requested that the present Application be revived.

Respectfully submitted,


DAVID A. JACKSON
Attorney for Applicant
Registration No. 26,742

KLAUBER & JACKSON L.L.C.
411 Hackensack Avenue
Hackensack, NJ 07601
(201) 487-5800

Date: October 16, 2008

IN DUPLICATE

SJT



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/585,373	FIRST NAMED APPLICANT Mark Edward Brennan Smith	ATTY. DOCKET NO. 2713-1-045PCT/US
23565 KLAUBER & JACKSON 411 HACKENSACK AVENUE HACKENSACK, NJ 07601		INTERNATIONAL APPLICATION NO. PCT/GB05/00033
		I.A. FILING DATE 01/07/2005
		PRIORITY DATE 01/07/2004

CONFIRMATION NO. 2995
371 FORMALITIES LETTER



Date Mailed: 11/15/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 07/06/2006
- Copy of the International Search Report filed on 07/06/2006
- Copy of IPE Report filed on 07/06/2006
- Preliminary Amendments filed on 07/06/2006
- Information Disclosure Statements filed on 12/14/2006
- Oath or Declaration filed on 07/06/2006
- Small Entity Statement filed on 07/06/2006
- Request for Immediate Examination filed on 07/06/2006
- U.S. Basic National Fees filed on 07/06/2006
- Priority Documents filed on 07/06/2006
- Specification filed on 07/06/2006
- Claims filed on 07/06/2006
- Abstracts filed on 07/06/2006
- Drawings filed on 07/06/2006

DUE: 1/15/08
DDD 5/15/08

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

✓

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/585,373
Filing Date	July 6, 2006
First Named Inventor	Mark Edward Brennan Smith
Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	2713-1-045PCT/US

ENCLOSURES (Check all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement

<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input checked="" type="checkbox"/> Petition To Revive & Petition Pursuant
<input type="checkbox"/> Petition to Convert to a To 37CFR 1.47(a)
<input type="checkbox"/> Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
<input type="checkbox"/> Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): ** |
|--|--|--|
- Remarks
- ** RETURN RECEIPT POST CARD;
EXHIBITS I-III;
REPLY TO MISSING REQUIREMENTS;
COPY OF NOTICE OF MISSING REQUIREMENTS;
EXECUTED DECLARATION**

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	KLAUBER & JACKSON LLC		
Signature			
Printed name	DAVID A. JACKSON		
Date	OCTOBER 16, 2008	Reg. No.	26,742

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	SUE YUN LEE	Date	OCTOBER 16, 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.